

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
JUNE 5, 2006  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner David Sandifer, Chairman  
Commissioner Phil Norris, Vice-Chairman  
Commissioner May Moore  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Jana Berg, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Ann Hardy, Fiscal Operations Director

Sergeant Mark Trull

**I. CALL TO ORDER**

Chairman Sandifer called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. Steve Stone, Assistant County Manager requested to add a Resolution in Opposition to the Communications Opportunities Promotion and Enhancement Act of 2006 (Barton-Rush Act) as item V-H.

Commissioner Sue moved to approve the agenda as amended. The vote of approval was unanimous.

**IV. PUBLIC COMMENTS**

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Ralph Frazier voiced concerns with an article in the Star News regarding the possibility of redistricting postal areas in the County. Mr. Frazier asked the Board for support and was

informed to contact the County Attorney to see if the County has any powers in this area since the Post Offices are Federal and not Local Government.

2. Jo O'Keefe voiced concerns regarding her increased water rates and asked for answers from the Board. Ms. O'Keefe was instructed to speak with the County Manager regarding this issue.

3. Sandra Brooks, UCAN Director asked the Board for financial report as a non-profit group. Ms. Brooks was directed to present literature to Mr. Stone and the Board would discuss this at the upcoming Budget Workshop.

## **V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

### **A. Minutes**

1. March 15, 2006 Board Retreat Minutes
2. March 16, 2006 Board Retreat Minutes
3. March 17, 2006 Board Retreat Minutes
4. May 15, 2006 Regular Meeting Minutes

### **B. Tax Matters (Exhibit Book 52, Attachment #1)**

1. January 2006 Motor Vehicle Valuation and Levy

### **C. Finance (Exhibit Book 52, Attachment #2)**

- 1) General Fund Amendment Number 95 Increase \$7,285

The County received \$7,285 of state restricted revenues. Staff requests an appropriation of the funds of \$7,285 for Capital Outlay Data to purchase a server in the MIS –computer services department. The amendment does not require the appropriation of any additional local county funds.

- 2) General Fund Amendment Number 97 Increase Leland Rescue Squad Capital Outlay \$18,660

The Rescue Squad Capital Expenditure Committee on Thursday, May 4, 2006 voted to approve the request of the Leland Volunteer Fire/Rescue of \$18,659.88 to go toward the purchase of a LifePak 12 Defibrillator. Staff recommends the transfer of undesignated funds in the Rescue Department Capital Outlay budget to the Leland VRS. The transfer does not require the appropriation of any additional local county funds.

- 3) General Fund Amendment Number 98 Increase \$30,410

The Director of Planning reports the collection of fees in excess of amount budgeted as follows: Zoning Application Fees \$8,450, Special Exception Application Fees \$2,175, Property Development Fees \$9,705 and Subdivision Fees \$10,080 for a total of \$30,410. The Planning Director requests appropriation of the identified revenue line items for expenditure in line items in danger of overage due to the volume of transactions. The appropriation requested for expenditure is the following: salaries and wages \$14,000, advertising \$12,000, telephone \$3,000 and postage \$1,410 for a total of \$30,410. The amendment does require the appropriation of county fees collected.

- 4) General Fund Amendment Number 99 Increase \$2,500

The County received \$2,500 on May 15, 2006 from Sam's Club for a Share the Warmth Grant. Staff recommends appropriation of the funds to purchase a recycling mascot in the Solid Waste department. The amendment does not require the appropriation of any additional local county funds.

5) General Fund Amendment Number 100 Increase \$42,508

Additional State Revenues-Restricted were received from the Department of Juvenile Justice and Delinquency Prevention programs as follows: Helping Adolescents Learn \$351, Teen Court JCPC \$1,087, Cooperative Extension Master Gardner \$318 and Family Alternatives \$40,752 totaling \$42,508. Staff requests appropriation of the additional revenues to the programs outlined above. The amendment does not require the appropriation of additional local county funds.

6) Social Services Fund Amendment Number 12 Increase \$6,533

The Department of Health and Human Services Division of Child Development issued to Brunswick County Department of Social Services \$1,807 of State Daycare Revenue Restricted funds for hurricane Katrina families program expenditures. The Division of Social Services issued \$1,650 of additional revenue from the TANF Domestic Violence funding source for program expenditures. The Division of Social Services issued \$3,076 of additional revenue from the Progress Energy funding source for program expenditures. The amendment does not require the appropriation of additional local county funds.

7) Water Fund Amendment Number 15 Increase \$90,000

The Director of Public Utilities identified revenues in excess of amounts budgeted in the Water fund of \$90,000 from industrial water sales. The tap on supplies expenditure line item is projected to exceed the amount budgeted by \$90,000 due to the increased volume of new taps. Staff recommends appropriation of the \$90,000 of revenue for the purchase of tap on supplies. The amendment requires the appropriation of water fund sales revenue collected.

8) Wastewater Capital Project Fund Amendment Number 7 Increase \$20,000

Wastewater Fund Amendment 14 Increase Transfer to Wastewater Capital Project \$20,000

The County entered into a design contract with HDR Engineering to provide design services for the Phase 2 West Regional Wastewater Treatment Plant totaling \$352,000. The contract provided for the engineers to charge reimbursable expenses to the county. To date the county has received invoices for reimbursable expenses totaling \$968.42. Staff recommends that \$20,000 be transferred from the debt contingency line item in the Wastewater Fund to the Wastewater Capital Project Fund and appropriated for the Phase 2 West Regional project expenditures. The amendment does not require the appropriation of additional local county funds.

9) General Fund Amendment Number 101 Increase \$30,500

County Capital Reserve Amendment Number 22 Increase Transfer to General Fund \$30,500

The Director of Operation Services requests additional funds for the paving and landscaping of the new fuel site. The estimated expenditure needs are: paving \$19,800, pipe \$483, rock for base \$8,200 and fill dirt, grassing and miscellaneous \$2,000 for a total of \$30,483. Staff recommends the transfer of \$30,500 from the county capital reserve fund designated for detention center renovation to the general fund for the expenditures outlined above. The amendment does not require the appropriation of additional local county funds.

10) Medicaid Expenditures Report (July 1, 2005-April 30, 2006)-For Information

Medicaid expenditures for the month of April totaled \$281,665 compared to \$302,100 for the same month in the prior year for a decrease of 6.76%. Year to date Medicaid expenditures total

\$3,470,566 or 78.17% of the \$4,440,000 annual budget for the ten month period. A report is attached for information.

11) Local Option Sales Tax Report (July 1, 2005-March 31, 2006)-For Information

Local Option Sales Tax collections for March 2006 total \$1,448,249 compared to \$1,332,835 for the same month in the prior year for an increase of 8.7%. Year to date Local Option Sales Tax totals \$15,758,651 or 78.63% of the \$20,040,810 annual budget for the nine month period. A report is attached for information.

12) Summary of Investment Earnings (July 1, 2005-April 30, 2006)-For Information

Investment Earnings of the General Fund for the 10 month period beginning July 1, 2005 and ending April 30, 2006 totaled \$2,149,544 compared to \$785,059 for an increase of 273.8%. A report is attached for information.

**D. Keep Brunswick County Beautiful (Exhibit Book 52, Attachment #3)**

Staff requests approval to change the name of the Keep America Beautiful affiliate from Brunswick County Keep America Beautiful to Keep Brunswick County Beautiful.

**E. Corps of Engineers Letter regarding Shallotte Inlet (Exhibit Book 52, Attachment #4)**

Staff requests approval to send a letter requesting that the Corps of Engineers include the Shallotte Inlet in the Shallotte River Section 107 Study based upon availability of funding as requested by the Town of Ocean Isle.

**F. Rourk Library Expansion (Exhibit Book 52, Attachment #5)**

Staff requests approval to waive the "Mini-Brooks" selection procedure to expedite the architect selection process and to allow Staff to request a "not-to-exceed" cost along with the qualifications for each firm, for fear of losing the Felburn Foundation grant.

**G. Public Housing Urgent Repair Assistance Policy URP06 Grant (Exhibit Book 52, Attachment #6)**

Staff requests approval and adoption of the Urgent Repair Assistance Policy for the URP06 Grant.

**H. Resolution in Opposition of C.O. P. E. (Barton-Rush Act) (Added under Adjustments to the Agenda) (Exhibit Book 52, Attachment #7)**

Staff requests approval of a Resolution in Opposition to Communications Opportunities Promotion and Enhancement Act of 2006.

**RESOLUTION IN OPPOSITION TO C. O. P. E. (BARTON-RUSH ACT)**

**Whereas**, local governments have always been the backbone of any system of organized rules, laws, regulations and ordinances, from the local councils of India to the Greek city-states, to the formation of Europe, to the American colonies and throughout the history of this country, relying upon the basic of principles of self-government, and

**Whereas**, self-preservation is a great motivator in matters of government, and developing a reliable system of traffic and service provision in one's own backyard can be very beneficial to neighbors and friends, and

**Whereas**, the United States House of Representatives is debating a bill called the Barton-Rush Act, otherwise known as the Communications Opportunities Promotion and Enhancement Act of 2006, which will take away the local governments ability to regulate the use of local rights-of-way by video and cable service providers, vesting such authority in the Federal Communications Commission, which has little experience in that field, and

**Whereas**, the FCC will have authority to oversee the management of such rights-of-way, and as the initial work load on the FCC will be overwhelming, local governments have experience and knowledge

in such matters, and federal supervision will not regulate service provision, but will allow service providers to serve those areas that prove profitable while denying service to other areas without recourse.

**Now therefore, the Brunswick County Commissioners** are hereby resolved to strenuously oppose the Barton-Rush Act, as it strips away local regulation of the use of road rights-of-way, with no commensurate regulation allowing service to all customers of all origins, while history has repeatedly shown that regulation by the market place is not always equitable.

This the 5<sup>th</sup> day of June, 2006.

s/David R. Sandifer, Chair

Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

## **VI. PRESENTATION**

### **1. Brunswick County Early College High School (Stephen Greiner, Katie McGee)**

Katie McGee, School Superintendent and Stephen Greiner, BCC President informed the Board of the new Early College High School program initiated thru the school and Brunswick Community College. (Exhibit Book 52, Attachment #8)

## **VII. PUBLIC HEARINGS** (Exhibit Book 52, Attachment #9)

### **1. Planning – Proposed Subdivision Ordinance Text Amendment 06-01 (Leslie Bell)**

## **CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 6:54 p.m. and announced that the purpose of the Hearing was to receive comments on Proposed Subdivision Ordinance Text Amendment Z-06-01.

Leslie Bell, Planning Director explained the following:

The proposed changes would require a Traffic Impact Analysis as part of the preliminary plat for Major and Minor Subdivisions.

Item 1 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-3, 3.5.P. Minor Subdivision Procedure to require a Traffic Impact Analysis (TIA) as part of the final plat for a Minor Subdivision.

Item 2 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-4, 4.2.(B)(17). Major Subdivision Procedure to require a Traffic Impact Analysis (TIA) as part of the final plat for a Major Subdivision.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

## **PUBLIC COMMENTS**

Chairman Sandifer asked if there were any comments from the audience concerning the Proposed Text Amendment. The following citizens addressed the Board:

1. Steve Candler, representative of the Brunswick County Board of Realtors, urged the Board to budget money for an educational campaign to hold informational meetings with developers on proposed changes and to consider lowering the trip generation rates with alternative transportation thru agencies such as the Brunswick Transit System.

### **ADJOURN**

Commissioner Moore moved to close the Public Hearing at 6:57 p.m. The vote of approval was unanimous.

## **2. Planning – Proposed Map Amendment Z-06-05 (L. Bell)**

### **CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 6:58 p.m. and announced that the purpose of the Hearing was to receive comments regarding Propose Map Amendment Z-06-05. Leslie Bell, Planning Director explained the following:

#### **Item 1 (Map Amendment Z-486 – William David Nelson)**

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to MR 3200 (Multifamily Residential) would allow for multi-family use of Tax Parcel 2300007111 (Requested by the Applicant) and 2300007110 (Added by the Staff), beginning at the southeastern quadrant of Boones Neck Road (SR 1137) and Harbor Estates Drive. Continuing 690.76 feet southwest fronting Boones Neck Road, then 606.79 feet southeast, 473.91 feet northeast and 332.48 feet northwest back to the point of origin.

These parcels total 5.713 acres.

Planning Board recommends approval for Tax Parcel 2300007111 and 2300007110 (6 to 0 with Mr. Lewis being absent from the meeting).

#### **Item 2 (Map Amendment Z-488 – St. James Maintenance, Inc.) [WITHDRAWN BY APPLICANT]**

Item 2 is a map amendment initiated by the property owner. This changes from R-7500 (Low Density Residential) to C-M (Commercial Manufacturing) would allow for heavy commercial use of Tax Parcel 2040000501, beginning approximately 700 feet east and then approximately 1950 feet southwest of the southeastern quadrant of Southport-Supply Road (NC 211) and St. James Drive. Continuing approximately 293 feet south fronting "Access Road". Then 701.54 feet southeast, 293.69 feet north and 677.293 feet northwest back to the point of origin.

This tract totals 4.77 acres.

Planning Board recommends denial for Tax Parcel 2040000501 (6 to 0 with Mr. Lewis being absent from the meeting).

#### **Item 3 (Map Amendment Z-490 – Bayou Bleu, LLC)**

Item 3 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcel 00600020 and a portion of Tax Parcel 01000030. Beginning 1845.64 feet southeast of the southeastern quadrant of the intersection of Hooper Road NE (SR 1427) and Douglas Trail NE. Then 3881.78 feet north, 4949.76 feet east fronting the Cape Fear River, 3647.06 feet southwest and 5079.25 feet west along a meandering delineated wetland line to the point of origin.

The area for the proposed rezoning totals 371.65 acres.

Planning Board recommends approval of Tax Parcel 00600020 and a portion of Tax Parcel 01000030 (6 to 0 with Mr. Lewis being absent from the meeting).

**Item 4 (Map Amendment Z-491 – Talmadge Ward)**

Item 4 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcels 2423A070, 2423A071, 2423A073 and 2423A074, located at 7117, 7123, 7129 and 7133 Westbrook Avenue SW, Ocean Isle. These parcels are also known as Lots 70-74 in Seaside Heights Subdivision.

The area for the proposed rezoning totals 1.078 acres.

Planning Board recommends denial for Tax Parcels 2423A070, 2423A071, 2423A073 and 2423A074 (6 to 0 with Mr. Lewis being absent from the meeting).

**Item 5 (Map Amendment Z-492 – Talmadge Ward)**

Item 5 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 2423A047, located at 7227 Westbrook Avenue SW, Ocean Isle. This parcel is also known as Lot 47 in Seaside Heights Subdivision.

The area for the proposed rezoning totals 0.231 acres.

Planning Board recommends denial for Tax Parcel 2423A047 (6 to 0 with Mr. Lewis being absent from the meeting).

**PUBLIC COMMENTS**

Chairman Sandifer asked if there were any comments from the audience concerning the Proposed Map Amendment Z-06-05. The following citizens addressed the Board:

1. Talmadge Ward spoke in support of items 4 and 5.
2. Sadie Phillips spoke in opposition of items 4 and 5.
3. Greg Phillips spoke in opposition of items 4 and 5.
4. William Phillips spoke in opposition of items 4 and 5.

**ADJOURN**

Commissioner Sue moved to close the Public Hearing at 7:05 p.m. The vote of approval was unanimous.

**3. Planning – Proposed Zoning Ordinance Text Amendment Z-06-06 (L. Bell)**

**CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 7:05 p.m. and announced that the purpose of the Hearing was to receive comments on the Proposed Text Amendment Z-06-06. Leslie Bell, Planning Director explained the following:

The proposed changes would require a Traffic Impact Analysis when development(s) generates more than one hundred (100) vehicle trips during peak hour or one thousand (1000) total new daily trips based on most recent trip generation rates by the Institute of Traffic Engineers (ITE). The proposed changes would also allow signs to be permitted in the MR-3200 (Multi-family Residential) Zoning District.

**Item 1** is a text amendment to Article 1, Purpose; Applicability; Rules of Construction, Section 1.6.(B)(1) to add “traffic” as a matter to be regulated.

**Item 2** is a text amendment to Article 1, Purpose; Applicability; Rules of Construction, Section 1.6.(B)(6) to insert “vehicle trip generation for Minor Subdivisions, Major Subdivisions, Planned Unit Developments, duplexes, triplexes and other multi-family structures” as items to be regulated.

**Item 3** is a text amendment to Article 1, Purpose; Applicability; Rules of Construction, Section 1.6.(B)(E) to require a Traffic Impact Analysis (TIA).

**Item 4** is a text amendment to Article 3, Decision-Making and Administrative Bodies, Section 3.2.(C)(6) to allow the Planning Board when acting as a quasi-judicial body to require a Traffic Impact Analysis (TIA).

**Item 5** is a text amendment to Article 3, Decision-Making and Administrative Bodies, Section 3.3.(B)(6) to allow the Board of Adjustment to require a Traffic Impact Analysis (TIA).

**Item 6** is a text amendment to Article 3, Decision-Making and Administrative Bodies, Section 3.4.(G) to state that the Zoning Administrator is to determine if a Traffic Impact Analysis (TIA).

**Item 7** is a text amendment to Article 5, Part C., Planned Unit Development; Plats of Same., Section 5.27(J) to require a Traffic Impact Analysis (TIA) for a Planned Unit Development (PUD).

**Item 8** is a text amendment to Article 5, Section 5.19, Signs, to insert MR-3200 (Multi-family Residential) as a Zoning District in which signs are permitted.  
Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

### **PUBLIC COMMENTS**

Chairman Sandifer asked if there were any comments from the audience regarding the Proposed Zoning Ordinance Text Amendment Z-06-06. There were no comments from the audience.

### **ADJOURN**

Commissioner Moore moved to close the Public Hearing at 7:07 p.m. The vote of approval was unanimous.

#### **4. Planning – Proposed Map Amendment Z-06-07 (L. Bell)**

### **CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 7:08 p.m. and announce that the purpose of the Hearing was to receive comments on the Proposed Map Amendment Z-06-07.

Leslie Bell, Planning Director explained the following:

**Item 1** (Map Amendment Z-493 – Healing Water Company)

Item 1 is a map amendment initiated by the property owner. This change from C-LD (Commercial Low Density) to MR-3200 (Multifamily Residential) would allow for multi-family



use of Tax Parcels 230PA001 and 230PA002, located at 4139 Daught Road, 1757 Village Point Road and 1759 Village Point Road, Shallotte NC.

The area for the proposed rezoning totals 1.617 acres.

Planning Board recommends approval for Tax Parcels 230PA001 and 230PA002 (6 to 0 with a vacant position on the Board).

**Item 2** (Map Amendment Z-494 – Charles Andrew Russ)

Item 2 is a map amendment initiated by the property owner. This change from H-M (Heavy Manufacturing) to NC (Neighborhood Commercial) would allow for commercial use of Tax Parcel 2290004401. Beginning 1,068.73 feet northwest of the northwestern quadrant of the intersection of Pigott Road SW (SR 1152) and Radford Way SW, continuing 541.06 feet northwest, 1,114.75 feet northeast, 570.76 feet southeast and 1,241.76 feet south to the point of origin.

The area for the proposed rezoning totals 15.6 acres.

Planning Board recommends approval for Tax Parcel 2290004401 (6 to 0 with a vacant position on the Board).

**Item 3** (Map Amendment Z-495 – Relm Inc. / Robert & Loraine Muncy)

Item 3 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 22100007, located at 5437 Doshier Cut-Off SE, Southport NC.

The area for the proposed rezoning totals 2.69 acres.

Planning Board recommends approval of Tax Parcel 22100007 (6 to 0 with a vacant position on the Board).

**Item 4** (Map Amendment Z-496 – David Mitchell Holden)

Item 4 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to MR-3200 (Multifamily Residential) would allow for multi-family use of Tax Parcels 22900075 and 2290007502. Beginning at the southeast quadrant of the intersection Pigott Road SW (SR 1152) and Bricklanding Road SW (NC 179), continuing 309.02 feet south, 102 feet east, 135 feet south, 80.6 feet east, 240 feet south, 201 feet west, 624.27 feet south, 2089.06 feet east along the meandering run of Saucepan Creek, 481.69 feet north, 310.47 feet west, 300 feet north, 150 feet west, 207 feet south, 359.89 feet west, 207 feet north and 207.03 feet west to the point of origin.

The area for the proposed rezoning totals 21.52 acres.

Planning Board recommends approval for Tax Parcels 22900075 and 2290007502 (6 to 0 with a vacant position on the Board).

**Item 5** (Map Amendment Z-497 – Vivek Sikka)

Item 5 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcels 2010003501 and the southern portion of 20100035. Beginning 206 feet southeast of the southeast quadrant of Currituck Road SE and Zion Hill Road SE (SR 1114) and continuing 807.8 feet southeast fronting Zion Hill Road, 1725.62 feet southwest, 791 feet south, 542.41 feet northwest, 565.94 feet west, 1911.11 feet northeast, 328.77 feet northwest and 1158.57 feet northeast to the point of origin.

The area for the proposed rezoning totals 40.354 acres.

Planning Board recommends approval for Tax Parcels 2010003501 and the southern portion of 20100035 (6 to 0 with a vacant position on the Board).

**Item 6** (Map Amendment Z-498 – HadenStanziale)

Item 6 is a map amendment initiated by the property owner. This change from Commercial Low Density (C-LD) and R-6000 (Medium Density Residential) to MR-3200 (Multi-family Residential) would allow for multi-family use of Tax Parcel 21500006, located at 1734 Holden Beach Road, Supply NC.

The parcel consists of 6.88 calculated acres.

Planning Board recommends approval for Tax Parcel 21500006 (6 to 0 with a vacant position on the Board).

**Item 7** (Map Amendment Z-499 – Woody Development & Construction, LLC)

Item 7 is a map amendment initiated by the property owner. This change from Rural (RU) to R-6000 (Medium Density Residential) would allow for residential use of Tax Parcels 1700001406 and 1700001408, located at 1821 Old Lennon Road, Bolivia NC.

These parcels total 15.85 calculated acres.

Planning Board recommends approval for Tax Parcels 1700001406 and 1700001408 (6 to 0 with a vacant position on the Board).

### **PUBLIC COMMENTS**

Chairman Sandifer asked if there were any comments from the audience. The following citizens addressed the Board:

1. Dan Weeks, Hazen Stanziale spoke in support of item 6.

### **ADJOURN**

Vice-Chairman Norris moved to close the Public Hearing at 7:12 p.m. The vote of approval was unanimous.

### **5. Proposed Budget for Fiscal Year 2006-2007 (M. Lawing)**

### **CALL TO ORDER**

Chairman Sandifer called the Public Hearing to order at 7:12 p.m. and announced that the purpose of the Hearing was to receive comments regarding the Proposed Fiscal Year 2006-2007 Budget.

Marty Lawing, County Manager gave a brief summary of the proposed budget.

### **PUBLIC COMMENTS**

Chairman Sandifer asked if there were any comments from the audience. There were no comments from the audience.

### **ADJOURN**

Commissioner Sue moved to close the Public Hearing at 7:19 p.m. The vote of approval was unanimous.

**7:20 p.m. The Chairman called a five-minute break.**

**7:27 p.m. The Chairman called the Open Session back to order.**

## **VIII. ADMINISTRATIVE REPORT**

### **1. Planning – Unified Development Ordinance - (Leslie Bell)**

Staff recommends that the Board of Commissioners accept the Unified Development Ordinance for discussion.

Leslie Bell, Planning Director asked for discussion regarding comments from the previous Public Hearing for the UDO. The Board directed Mr. Bell to schedule another Workshop with the Board of Commissioners, Planning Board, Board of Adjustments and Duncan Associates representatives in the near future. **(Exhibit Book 52, Attachment #10)**

### **2. Planning – Proposed Subdivision Ordinance Text Amendment 06-01 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve Second Reading and adoption of the proposed Subdivision Ordinance Text Amendment 06-01 as recommended.

Commissioner Moore moved to approve Second Reading and Adoption of Subdivision Ordinance Text Amendment 06-01. The vote of approval was unanimous. **(Exhibit Book 52, Exhibit #11)**

### **3. Planning – Proposed Map Amendment Z-06-05 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve Second Reading and adoption of the proposed Map Amendment Z-06-05.

Commissioner Sue moved to approve Items 1 and 3 as they are consistent with findings as set out in the attachments contained in the packet and deny Items 4 and 5 (Item 2 Withdrawn). The vote of approval was unanimous. **(Exhibit Book 52, Exhibit #12)**

### **4. Planning – Proposed Zoning Ordinance Text Amendment Z-06-06 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve Second Reading and adoption of the proposed Zoning Ordinance Text Amendment Z-06-06.

Commissioner Sue moved to approve Second Reading and Adoption of Items 1 through 8 of Zoning Ordinance Text Amendment Z-06-06. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #13)**

### **5. Planning – Proposed Map Amendment Z-06-07 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve Second Reading and adoption of the proposed Map Amendment Z-06-07.

Commissioner Moore moved to approve Second Reading and Adoption of Map Amendment Z-06-07 as Items 1 through 7 are consistent with findings as set out in the contents of the packet. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #14)**

### **6. Planning – Proposed Map Amendment Z-06-08 - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve First Reading and set a Public Hearing for July 3, 2006 at 6:30 p.m.

Commissioner Rabon moved to approve First Reading and set a Public Hearing for July 3, 2006 at 6:30 p.m. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #15)**

### **7. Planning – Consultant Services Contract - Holland Consulting Planners, Inc. - (Leslie Bell)**

Staff recommends that the Board of Commissioners approve a contract for consultant services with Holland Consulting Planners, Inc. in an amount not to exceed \$12,500.

Vice-Chairman Norris moved to approve a Contract for Consultant Services with Holland Consulting Planners, Inc. in an amount not to exceed \$12,500. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #16)**

**8. Building Inspections – Flood Damage Prevention Ordinance Enforcement – St. James - (Delaney Aycock)**

Staff recommends that the Board of Commissioners adopt an agreement setting forth the terms and conditions upon which the County will furnish to the Town of St. James building code administration and enforcement and flood damage prevention administration and enforcement within the Town.

Commissioner Sue moved to Adopt an agreement setting forth the terms and conditions upon which the County will furnish to the Town of St. James, Building Code Administration and Enforcement and Flood Damage Prevention Administration and Enforcement within the Town. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #17)**

**9. Parks & Recreation – Contracts for Park Playground Equipment - (George Page)**

Staff recommends that the Board of Commissioners award Leisure Lines, Inc. the new playground contracts for Brunswick River Park (\$59,107.00) and Dutchman Creek Park (\$64,567.00). Also, award Cunningham Associates Inc. the playground contract for Town Creek Park (\$74,976.19).

Vice-Chairman Norris moved to Award Leisure Lines, Inc. the new playground contracts for Brunswick River Park (\$59,107.00) and Dutchman Creek Park (\$64,567.00) and to Award Cunningham Associates Inc. the playground contract for Town Creek Park (\$74,976.19). The vote of approval was unanimous. **(Exhibit Book 52, Attachment #18)**

**10. NCACC Joint Risk Management Agency/Worker's Compensation FY 2006-07 - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve the Annual Participation Agreement for Worker's Compensation Insurance for FY 2006-2007 with the NCACC Worker's Compensation Fund.

Commissioner Moore moved to approve the Annual Participation Agreement for Worker's Compensation Insurance for FY 2006-2007 with the North Carolina Association of County Commissioners Worker's Compensation Fund. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #19)**

**11. NCACC Liability and Property Pool FY 2006-07 - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve Annual Participation Agreement for Liability and Property Insurance for FY 2006-2007 with the NCACC Liability and Property Pool.

Commissioner Sue moved to approve the Annual Participation Agreement for Liability and Property Insurance for FY 2006-2007 with the North Carolina Association of County Commissioners Liability and Property Pool. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #20)**

**12. Utilities – Sewer Force Main Design Contract – Town of Oak Island - (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve a contract, in the amount of \$622,825.00 with Earth Tech of North Carolina, Inc., for the design of the West Brunswick Regional Wastewater System's portion of the sewer force main needed to transmit wastewater from the Town to the West Brunswick Regional Wastewater Treatment Plant and the effluent reuse line from the reuse main in NC 211 to the 105-acre tract owned by the Town of Oak Island.

Commissioner Moore moved to approve the Contract, in the amount of \$622,825.00, with Earth Tech of North Carolina, Inc. for the design of the West Brunswick Regional Wastewater System's portion of the sewer force main needed to transmit wastewater from the Town of Oak Island to the West Brunswick Regional Wastewater Treatment Plant and the effluent reuse line from the reuse main on NC 211 to the 105-acre tract owned by the Town of Oak Island. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #21)**

**13. Utilities – Sewer Service Agreement – Town of Shallotte - (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve a Sewer Service Agreement between the County and the Town of Shallotte for the transmission and treatment of wastewater and includes the construction of a sewer pump station and the associated force mains needed to provide service to the Town of Shallotte.

Vice-Chairman Norris moved to approve a Sewer Service Agreement between the County and the Town of Shallotte for the transmission and treatment of wastewater and include the construction of a sewer pump station and the associated forced mains needed to provide service to the Town of Shallotte. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #22)**

**14. Engineering – Southport Elevated Tank Construction Contract - (Jeff Phillips)**

Staff recommends that the Board of Commissioners award a contract to Phoenix Fabricators & Erectors, Inc. to construct a one million gallon steel elevated water tank in the amount of \$1,718,750.00.

Commissioner Sue moved to award a Contract to Phoenix Fabricators & Erectors, Inc. to construct a one million gallon steel elevated water tank in the amount of \$1,718,750.00 and the appropriate Budget Amendment. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #23)**

**15. Engineering – Southport Elevated Tank Water System Expansion Contract - (Jeff Phillips)**

Staff recommends that the Board of Commissioners award a contract to Temple Grading to construct a water system expansion for Southport's Elevated Water Tank in the amount of \$174,283.80.

Commissioner Moore moved to award a Contract to Temple Grading to construct a water system expansion for Southport's Elevated Water Tank in the amount of \$174,283.80 and the appropriate Budget Amendment. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #24)**

**16. New Administration Building Plan Approval - (Steve Stone)**

Staff recommends that the Board of Commissioners approve the conceptual plan for the proposed new Administration Building and authorize the project architect, Jack Hemphill, to proceed with development of plans and specifications for the building and to subsequently conduct the construction bidding process.

Commissioner Moore moved to approve the conceptual plan for the proposed Administration building and authorize the project architect, Jack Hemphill, to proceed with development of plans and specifications for the building and to subsequently conduct the construction bidding process. The vote of approval was unanimous. (**Exhibit Book 52, Attachment #25**)

**17. Sewer Transmission Line Reimbursement Agreement – Sweetwater LLC - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve a Sewer Transmission Line Reimbursement Agreement between Brunswick County and Sweetwater Investments, LLC.

Vice-Chairman Norris moved to be recused from this item. The vote of approval was unanimous. Commissioner Sue moved to approve the Sewer Transmission Line Reimbursement Agreement between Brunswick County and Sweetwater Investments, LLC. The vote of approval was unanimous. (4 ayes, Moore, Rabon, Sandifer and Sue – Norris recused). (**Exhibit Book 52, Attachment #26**)

**18. Sewer Service Agreement – MAS Properties LLC - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve a Sewer Service Agreement between Brunswick County and MAS Properties, L.L.C., Coastal Communities at Ocean Ridge Plantation, Inc., and Ocean Ridge Properties, Inc.

There was discussion regarding a sentence in section 10 of the Agreement.

Commissioner Moore moved to approve the Sewer Service Agreement between Brunswick County and MAS Properties LLC, Coastal Communities at Ocean Ridge Plantation, Inc., and Ocean Ridge Properties, Inc. contingent upon deletion of the following sentence in Section 10, page 8 of 13 of the Sewer Service Agreement: “Notwithstanding the foregoing, however, if the Developer believes in its reasonable assessment that the County will not have sufficient wastewater treatment capacity, or will not utilize its treatment capacity, to service Ocean Ridge/Ocean Isle Palms and the Approved Properties” and contingent upon approval of the Termination of Reuse Water Agreement and Amendment to Sewer Service Agreement for MAS Properties LLC. The vote of approval was unanimous. (**Exhibit Book 52, Attachment #27**)

**19. Reuse Water Agreement – MAS Properties LLC - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve a Reuse Water Agreement between Brunswick County and MAS Properties, L.L.C. and Ocean Ridge Plantation Golf, Inc. and Coastal Communities at Ocean Ridge Plantation, Inc.

Vice-Chairman Norris moved to approve the Reuse Water Agreement between Brunswick County and MAS Properties, LLC and Ocean Ridge Plantation Golf, Inc. and Coastal Communities at Ocean Ridge Plantation, Inc. contingent upon approval of (items 18 and 20) the Termination of Reuse Water Agreement and Amendment to Sewer Service Agreement – MAS Properties LLC. The vote of approval was unanimous. (**Exhibit Book 52, Attachment #28**)

**20. Termination of Reuse Water Agreement and Amendment to Sewer Service Agreement – MAS Properties LLC - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve a Termination of Reuse Water Agreement and Amendment to Sewer Service Agreement between Brunswick County and MAS Properties, LLC.

Vice-Chairman Norris moved to approve the Termination of Reuse Water Agreement and Amendment to Sewer Service Agreement between Brunswick County and MAS Properties, LLC contingent upon deletion of the sentence in (Item 18) Sewer Service Agreement with MAS Properties LLC. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #29)**

## **IX. BOARD APPOINTMENTS**

### **1. Nursing and Adult Care Home Community Advisory Committee (Dist. 1, 2 at-large)**

Vice-Chairman Norris nominated Arthur Perry. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointment of Arthur Perry. The vote of approval was unanimous. Commissioner Sue moved to table the at-large appointments. The vote of approval was unanimous.

Mr. Perry was reappointed to serve another three-year term that will expire on July 1, 2009.

### **2. Brunswick Senior Resources Inc. (District 2)**

Chairman Sandifer nominated Pauline Hankins. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointment of Pauline Hankins. The vote of approval was unanimous. Ms. Hankins was reappointed to serve a three-year term after completing this initial one-year term on the BSRI Board.

## **X. COUNTY ATTORNEY'S REPORT**

### **1. Deed of Dedication & Affidavit Ocean Ridge Plantation, Phase 4, Sections 1-3 Water Lines**

Huey Marshall, County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Commissioner Sue moved to approve the Deed of Dedication from Coastal Communities at Ocean Ridge Plantation, Inc. for water lines for Ocean Ridge Plantation, Phase 4, Sections 1 through 3. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #30)**

### **2. Deed of Dedication & Affidavit RiverSea Plantation Water Lines**

The County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Commissioner Sue moved to approve the Deed of Dedication from LR RiverSea LLC for water lines in RiverSea Plantation. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #31)**

### **3. Calabash Deed of Dedication & Lease for Phase 2 Water & Sewer Lines**

The County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Commissioner Sue moved to approve the Deed of Dedication and Lease from the Town of Calabash for water and sewer lines for Phase 2, Town of Calabash. The vote of approval was unanimous. **(Exhibit Book 52, Attachment #32)**

### **4. SAD 21 Cost Distribution**

Huey Marshall, County Attorney explained that the residents of Greybridge Road, Tar Landing and River Hills requested the County to install water service lines in the area. The

Commissioners honored that request and now must determine the method of cost allocation for the installation. The methods available to the County are: distribution per lot, distribution per road frontage, distribution per acreage and distribution per unimproved value or a combination of any of these. The Board will also need to determine the terms of repayment of the improvements.

Mr. Marshall informed that properties on A. I. Clemmons Road were included in the assessment of SAD 21 but were not included in the documentation of acreage and road frontage originally submitted for this meeting. for SAD 21. The correct total for Acreage including properties on A. I. Clemmons Road is 917.57 acres and the correct total for Road Frontage is 59842.2 feet. The County Attorney explained their options and there was lengthy discussion.

Vice-Chairman Norris moved to distribute costs of SAD 21 on acreage basis, the basis for assessment being square footage, with no interest for the first year, to be collected within 5 years. Years two, three, four and five at standard statutory tax delinquency rate. The vote of approval was four ayes (Moore, Rabon, Sandifer and Norris – one nay Sue). (**Exhibit Book 52, Attachment #33**)

#### **5. Rourk Library Property**

The County Attorney explained that over usage of the Rourk Library has been a problem for years. With acceptance of property from the Town of Shallotte located between the Library and the Shallotte Presbyterian Church the County can expand the Library.

Commissioner Moore moved to accept property from the Town of Shallotte for expansion of the Rourk Library. The vote of approval was unanimous. (**Exhibit Book, 52, Attachment #34**)

#### **6. Closed Session**

**8:26 p.m.** Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) (5) and (6) attorney-client privilege to discuss confidential matters, real property and employment. The vote of approval was unanimous.

#### **RECONVENED**

**9:50 p.m.** Chairman Sandifer called the Open Meeting back to order and announced that the action taken in Closed Session cannot be disclosed until negotiations are complete with the opposite party.

### **XI. OTHER BUSINESS/INFORMAL DISCUSSION**

The Manager expressed the need for a Workshop to discuss Budget matters, Public Utilities Water Master Plan and review Sewer Proposals for the Calabash and Sunset Beach areas.

### **XII. ADJOURNMENT**

**9:54 p.m.** Commissioner Moore moved to recess the Regular Meeting until Monday, June 12, 2006 at 1:00 p.m. to hold a Workshop in the Commissioners Chambers. The vote of approval was unanimous.

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David R. Sandifer, Chairman



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Deborah (Debby) Gore, Clerk to the Board